

# Lynne Stewart sentenced to 28 months in prison in New York City “terror” case

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Lynne Stewart, the New York City civil rights attorney convicted 20 months ago on charges of aiding terrorism, was sentenced on October 16 to a prison term of 28 months. The Justice Department had demanded a sentence of 30 years for the 67-year-old defendant, who was diagnosed with breast cancer last year.

The clear aim of the prosecution of Stewart was to intimidate all civil rights and civil liberties attorneys, at a time of relentless attacks on democratic rights, including the right of habeas corpus. The government has made little effort to hide its contempt for the pro bono attorneys who are representing hundreds of prisoners held without charges at Guantanamo Bay, for example.

The Justice Department took advantage of what Stewart herself has recently acknowledged was “naivete” on her part in order to victimize her and send a message to any other legal defenders of democratic rights. She was charged with aiding terrorism because in 2000 she violated administrative rules in order to help her client, the blind Egyptian cleric Sheik Omar Abdel Rahman, to communicate with his supporters in Egypt via a press statement that Stewart openly passed on to the media. Rahman is serving a life term after a 1995 conviction on charges of conspiracy to blow up several New York City landmarks.

The defendant, who had never been a supporter of terrorism but who had also made no secret of her left-wing sympathies, was portrayed as a dangerous enemy, in an orchestrated campaign that was reminiscent, although on a smaller scale, of the prosecution of Julius and Ethel Rosenberg in the early 1950s on charges of conspiracy to commit espionage for the Soviet Union.

John Ashcroft, attorney general in the first Bush Administration, held a press conference to announce the indictment of Stewart in 2002. His successor,

Alberto Gonzalez, held a press conference to hail the conviction in February 2005, after a trial that lasted seven months. During the trial, the government repeatedly invoked the events of September 11 in a crude attempt to pin the terrorist label on the defendants.

In this context, the sentence handed down by Federal District Judge John G. Koeltl, along with his accompanying comments, can only be seen as a partial rebuke to the prosecution. In explaining why he was rejecting the call for a long term, Koeltl pointed out that there was “no evidence that any victim was in fact harmed” by Stewart’s actions. He went on to laud her 30 years as a lawyer to “the poor, the disadvantaged and the unpopular.” “It is no exaggeration to say that Ms. Stewart performed a public service not only to her clients but to the nation,” he added.

Nonetheless, Koeltl granted that the case contained “an irreducible core of very severe criminal conduct.” Stewart is permanently barred from practicing law, a penalty that she has said is the “worst punishment.” He also sentenced one of Stewart’s co-defendants, Ahmed Sattar, a New York City postal worker who had faced more serious charges of communicating with terrorists, to 24 years in prison. Another defendant, Mohammed Yousry, was given a 20-month term. The prosecution had demanded a life sentence for Sattar and 20 years for Yousry, whose only crime was to act as a translator.

Sattar told the judge, “I am not a terrorist, your honor. I am not a violent person. I am a human being. I am an American. I am a Muslim who practices and believes strongly in his religion.”

Stewart called her sentence “a great victory against an over-reaching government.” She remains free pending appeal. The government announced its disappointment with the sentences and said it may also

appeal.

The sentencing came after more than a year's delay, primarily because of Stewart's illness, which was diagnosed in 2005 and required months of treatment, including radiation. Her doctors say she is now cancer-free, but Stewart fears substandard medical care in prison, and her lawyer told the court, possibly anticipating a longer sentence, "If you send her to prison, she's going to die."

In a letter to the judge in September, Stewart wrote that "my only motive was to serve my client as his lawyer. What might have been legitimately tolerated in 2000-2001 was after September 11 interpreted differently and considered criminal. I didn't see this. I see and understand it now."

Stewart acknowledged mistakes and carelessness, but she maintained, in a radio interview on the day of her sentencing, that "everything I did, I did as a lawyer, that I never intended to aid my client's cause." She admitted that she had underestimated the extent to which the government would seize on an opportunity to punish her.

On the day of the sentencing, hundreds of supporters of Stewart rallied outside the courtroom. The day before, a large crowd had come to Riverside Church in Manhattan to express their solidarity with the defendant and her fight to defend the Bill of Rights, including the right to counsel guaranteed by the Sixth Amendment.



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